

AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.116

Serial Number: 09/658,795

Filing Date: September 11, 2000

Title: Transaction-Based Object-Oriented Multipart Database Method and Apparatus

Page 7

Attorney Docket: 750.006US1

REMARKS

Applicant has carefully reviewed and considered the Final Office Action mailed on October 13, 2005, and the references cited therewith.

The claims are unchanged; as a result, claims 10-16 and 18-37 are now pending in this application. Please charge any required fee to deposit account 19-0743.

Please note that the Final Office Action (FOA) copied verbatim most of the prior Office Action of 18 April 2005, and thus the FOA stated that claims 10-16 and 18-34 are presented for examination, when the claims presented for examination are 10-16 and 18-37.

Further, Applicant amended claims 16 and 18 in Applicant's Amendment and Response filed 21 July 2005, but the Final Office Action does not acknowledge nor address the amendments, but rather copies verbatim rejections from the 18 April 2005 Office Action that referred to previous wordings in these two claims.

Since the Final Office Action failed to reject or even acknowledge the changed and new claims, Applicants respectfully request that the finality of the Office Action be withdrawn, and that a new Office Action be issued that examines the previously amended claims and previously added new claims.

Argument

Rejection Under 35 U.S.C. § 102(e)

1) The Applicable Law for Rejections Under 35 U.S.C. § 102(e)

The Applicable law was provided in the Applicant's Amendment and Response filed 21 July 2005 and is not repeated here. Please refer to the remarks in that response.

2) The 35 U.S.C. § 102(e) Rejections

Claims 10-16 and 18-34 were rejected under 35 U.S.C. § 102(e) as being anticipated by Anderson et al. (hereinafter "Anderson") U.S. Patent Application No. 20040158524. Applicants respectfully traverse the rejection. Anderson describes a system wherein a customer accesses a web page of a financial services provider using the customer's computer and browser, is connected to a database that allows the user to download credit card or debit card transactions (see paragraph [0033]). There is no description or suggestion that the system would or could

AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.116

Serial Number: 09/658,795

Filing Date: September 11, 2000

Title: Transaction-Based Object-Oriented Multipart Database Method and Apparatus

Page 8

Attorney Docket: 750.006US1

receive “a second transaction from a service consumer,” but rather the reference says “Furthermore, users may not alter the data.”

Analysis

Anderson fails to anticipate the present claims, since it does not contain each and every element as set forth in the claim, either expressly or inherently described (*See Verdegaaal, supra*). Anderson fails to teach or suggest receiving or storing both the second transaction by the service consumer (Anderson’s “user”) and the first transaction by the service provider (Anderson’s “financial services provider” or “Conductor host”) into the database, wherein access to the transactions is selectively enabled to the service consumer/customer based on an identification of the service consumer, and wherein the transactions are then accessed by the service consumer/customer. The Office Action mailed April 19, 2005, points to paragraphs [0026] and [0033], neither of which show a plurality of transactions for a database including one from a service consumer and one from a service provider.

Although Anderson uses the word “transaction,” the meaning of that word as used by Anderson is of a credit or debit card transaction (see paragraph [0027]) and is not the same as “transaction” as used in the present application (i.e., in the present invention, the transactions are computer-actionable data that add to or modify information in a database).

Further, as far as Applicant can determine, Anderson does not receive any transactions from a service consumer, and in fact in paragraph [0033] says “Preferably, users may view and manipulate only their own financial data. Furthermore, **users may not alter the data.** Preferably, users have the option of downloading the financial data to an accounting software package such as Intuit’s Quicken. or a word-processing program such as Novell’s WordPerfect.” In contrast, the invention recited in claim 10 of the present application provides “**selectively enabling access by the service consumer, based on an identification of the service consumer, to the stored first and second transactions associated with the service consumer to whom access is enabled.**” The Examiner points to paragraph [0033] and the abstract of Anderson. Applicant can find no teaching or suggestion in these sections of Anderson cited by the Examiner that enable the customer, based on identification of the customer, to access those defined transactions in the database system (as recited in claim 10 and claim 14).

AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.116

Serial Number: 09/658,795

Filing Date: September 11, 2000

Title: Transaction-Based Object-Oriented Multipart Database Method and Apparatus

Page 9

Attorney Docket: 750.006US1

In contrast, the present invention as recited in claims 10 and 14 provides a method (or media having the method) comprising:

receiving a plurality of **transactions for the database system** including a **first transaction from a service provider** and a **second transaction from a service consumer**, wherein the first and the second transactions are each associated with the service consumer;

storing the plurality of transactions into the database system; and

selectively enabling access by the service consumer, based on an identification of the service consumer, to the stored first and second transactions associated with the service consumer to whom access is enabled. (*emphasis added*)

The recited combination of transactions and the selective enabling of accesses to the database distinguishes the present invention from Anderson. Accordingly, reconsideration and allowance of these claims and their dependent claims is respectfully requested.

As to dependent claims 11, 15, and 32, Anderson describes a user's access to, and download of, a credit or debit card transaction. There is nothing about any docketing function or provider. The Office Action has failed to provide a *prima facie* case of anticipation. The claimed combination where the method further includes "receiving transactions by a docketing provider" is clearly distinguished. Accordingly, reconsideration and allowance of these claims is respectfully requested.

As to claims 12, 20, 26 and 33, Anderson describes nothing of pending action items, but rather is a record of past credit-card transactions on a daily basis. In contrast, this feature of the present invention is useful for such professions as law and others. Accordingly, reconsideration and allowance of these claims is respectfully requested.

As to claim 16, Anderson describes a credit card transaction database viewing service, not a database to support a **patent application** service provider. In contrast, the present invention is useful for such professions as law and others. Reconsideration and allowance of this claim is respectfully requested.

As to claim 18, this claim and its dependent claims are means-plus-function claims, and must be examined under 35 U.S.C. § 112 paragraph 6, to be the structure and acts described in the present invention and equivalents thereof. The Office Action has failed to provide a reference with the required equivalents as analyzed under 35 U.S.C. § 112 paragraph 6. Accordingly, reconsideration and allowance of these claims is respectfully requested. The

AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.116

Serial Number: 09/658,795

Filing Date: September 11, 2000

Title: Transaction-Based Object-Oriented Multipart Database Method and Apparatus

Page 10

Attorney Docket: 750.006US1

Anderson reference does not describe nor suggest transactions that “are each transactions that add information regarding a patent application to the database.” Accordingly, reconsideration and withdrawal of this rejection is respectfully requested, and an early notification of allowance be provided.

As to claims 22 and 28, Anderson does not describe extracting a database transaction from an electronic message. Accordingly, reconsideration and allowance of these claims is respectfully requested.

As to claims 23 and 29, Anderson does not describe an input device for a database transaction, but rather a generic input device. Applicant cannot find any indication that this input device is used for entering a database transaction in Anderson. Accordingly, reconsideration and allowance of these claims is respectfully requested.

As to the remaining claims not separately discussed above, each is dependent on a claim that appears allowable, as discussed above. Further, each describes further limitations that form a combination with the respective parent claim, and these combinations are also not described in the cited reference. Accordingly, reconsideration and allowance of these claims is respectfully requested.

Applicant respectfully request reconsideration of the rejections of claims 10-16 and 18-34.

New claims 35-37 are added to more fully describe the claimed invention. Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested.

AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.116

Serial Number: 09/658,795

Filing Date: September 11, 2000

Title: Transaction-Based Object-Oriented Multipart Database Method and Apparatus

Page 11

Attorney Docket: 750.006US1

Conclusion

It is respectfully submitted that the cited art neither anticipates nor renders the claimed invention obvious and that therefore the claimed invention does patentably distinguish over the cited art. It is respectfully submitted that claims 10-16, 18-34, and 35-37 should be allowed in view of the arguments presented. Reconsideration and withdrawal of the Examiner's rejections of claims 10-16 and 18-37 is respectfully requested.

The Examiner is invited to telephone Applicant's attorney (952-278-3501) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

CHARLES A. LEMAIRE ET AL.

By their Representatives,

LEMAIRE PATENT LAW FIRM, P.L.L.C.
P.O. Box 2938
MINNEAPOLIS, MN 55402
(612) 373-6949

DATE 13 December 2005 BY Charles A. Lemaire
CHARLES A. LEMAIRE
REG. NO. 36,198

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office at Fax No. **1-571-273-8300** on this 13th day of December, 2005.

Gregory A. Lemaire
Gregory A. Lemaire